IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4205 of 2006

(CRIME NO.133/2006 OF KONNI POLICE STATION)

PETITIONER:

JANARDHANAN, S/O.KUNJUCHERUKKAN,
MURUPPEL HOUSE, AVOLIKKUZHI, KONNI,
THAZHAM, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KONNI.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4205/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner submits that he is innocent. He is not involved in any Abkari offence at all. The statement, made by the investigating officer of Konni Police Station in crime No.133/2006, as submitted by the prosecution, is not correct, submits the counsel. The learned Public Prosecutor is not able to give other details of the involvement of the petitioner, except that at the time of the seizure of ten liters of arrack, on 15.5.2006, the petitioner, accused, in this case, had run away. Therefore, Konni police registered the crime, under Section 8(1) and 8(2) of the Abkari Act. The petitioner is before this Court, under Section 438 Cr.P.C.

2. In the above facts situation, I direct the petitioner to surrender before the investigating officer of Konni Police Station, on 26.7.2006 between 10.30 and 11.00 a.m. The investigating officer shall interrogate the

petitioner and produce him thereafter, before the competent Magistrate Court, as per the law. On production, the petitioner may move an application for bail, and if there is no other case registered or brought to the notice of the Court, under the provisions of the Abkari Act, the learned Magistrate shall release him on bail. In case of any other case is also registered, the learned Magistrate shall pass orders, according to the law, considering Section 41A of the Abkari Act.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs